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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000463

SIPDIS

DEPARTMENT FOR SCA/INS

E.O. 12958: DECL: 05/12/2018

TAGS: PGOV PREL PTER PHUM MOPS CE

SUBJECT: SRI LANKA: GOVERNMENT WINS EASTERN POLLS BY NARROW MARGIN; OPPOSITION CRIES FOUL

REF: A. COLOMBO 448
B. IIR 6 816 0063 08

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

¶1. (C) Summary: The ruling UPFA won the Eastern Provincial Council elections on May 10, amidst criticism by the opposition parties and observer groups of large scale election malpractices. The UPFA-TMVP won 18 seats plus 2 bonus seats, the UNP-SLMC won 15, and the JVP and TDNA won one each. Relatively low voter turnout, considering the importance of the elections, may be due to LTTE attacks hours before polls opened. The UNP has outright rejected the results, and may decide to file a petition in court. UPFA supporters probably attribute the party's win to the TMVP delivering the Tamil vote, as well as the sizable vote bloc of a prominent Eastern politician who crossed over from the UNP to contest with the UPFA. The UPFA now faces the divisive choice of whether to choose a Tamil or Muslim as Chief Minister (CM), which will likely alienate either the Muslim or Tamil community, respectively. Please see para 13 for suggested if-asked press guidance. End Summary.

Election Results: Narrow Win for Ruling UPFA

¶2. (U) The ruling United People's Freedom Alliance (UPFA), allied with the armed paramilitary TMVP that is transitioning to a political party, won the May 10 Eastern Provincial Council (EPC) elections with 18 out of 35 elected seats. The main opposition United National Party (UNP), aligned with the Sri Lankan Muslim Congress (SLMC), won 15 seats. The Tamizh Democratic National Alliance (TDNA), a coalition of smaller Tamil parties (EPDP, PLOTE, and EPRLF), and the JVP each obtained one seat. By a slim margin, the UPFA won the most seats in Ampara District, which entitles them to two bonus seats on the council, bringing the UPFA's total seats to 20.

¶3. (U) According to the Election Commission, voter turnout was about 60 percent of the province's nearly one million registered voters. Media reported that opposition officials and election monitors consider this turnout low for a vote of such importance. There was speculation that some potential voters, perhaps even enough to have swayed the election,

stayed home out of fear following a series of bombings and mortar attacks that were blamed on the LTTE (see para 8). The 8.5 percent of rejected (i.e. spoiled) votes is high, compared to the usual one percent, and may signify a political statement against the de-merger of the Northern and Eastern Provinces.

Observers Say Vote was Not Free and Fair

¶4. (U) Allegations of widespread election malpractices preceded the polls (ref A) and followed them. At a press conference on May 11, UNP General Secretary Tissa Attanayake said his party was "totally rejecting the results," citing violence and rigging. SLMC leader Rauff Hakeem reportedly said that UNP leaders are planning to meet in Colombo to decide whether to file a suit to overturn the election. Attanayake charged that UNP polling monitors were not allowed in 91 voting centers throughout the province, and ballot boxes were stuffed at 99 centers. The UNP urged Speaker W.J.M. Lokubandara to call Parliament into session immediately to debate alleged election malpractices. The JVP also accused the government of resorting to "intimidation, harassment and terror tactics" to secure a fraudulent victory. Both parties stressed that despite such electoral abuses, opposition parties won 17 seats to the government's 18 - a demonstration of their strength in the province.

¶5. (U) In a carefully worded statement, the Elections Commissioner said that despite some minor incidents, the EPC

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election had ended on a successful note. He noted that the election was a commendable move to establish democracy through the political process.

¶6. (U) None of the three main election monitoring groups, PAFFREL, CAFFE, and CMEV (Center for Monitoring Election Violence), called the elections free and fair. Although PAFFREL is perceived as pro-government, its president opined, "I can't say it was a free and fair election because it was not really," citing the UPFA's misuse of government resources and the state media, and many candidates' inability to campaign freely. A PAFFREL worker in Trincomalee told Poloff that "acceptable elections" would be a step toward bringing the TMVP into the political mainstream. PAFFREL observers reported cases of intimidation and assault of voters, and said that polling observers of opposition parties were barred from 21 stations and chased away from five others. PAFFREL's report said most complaints were lodged against the TMVP. CAFFE, seen as pro-opposition, more decried the election as "not at all 'free and fair.'" CMEV reported 64 incidents of election malpractices, 48 of them "major offenses," by 6:00 pm on election day. The majority of the serious violations were reported from Batticaloa District. CMEV said that among these, systematic impersonation was the most widespread violation. The organization specified areas of the worst violence and malpractices as being: Valaichchenai and Kattankudi in Batticaloa District; Pottuvil polling division in Ampara District; and Thiriyaya in Trincomalee District. CMEV called on the Elections Commissioner to undertake a re-polling in these areas.

¶7. (C) In a meeting with Ambassador on May 12, Tamil United Liberation Front leader V. Anandasangaree, whose party contested the election, was critical of the conduct of the election, despite his willingness often to give the GSL the benefit of the doubt. He was apprehensive that violence may unfold in the near future, as the Eastern Provincial Council is formed and begins its work.

Violence Preceeds the Elections

¶8. (U) Two serious attacks, presumably by the LTTE, were made hours before polls opened. On the evening of May 9, a

bomb exploded in a crowded restaurant frequented by Sinhalese in Ampara town. Twelve people were killed and at least 36 injured. A navy cargo ship in Trincomalee was sunk hours before polling began on May 10 (ref B). On election day at about 7:00 am, five mortar shells reportedly fell and exploded near the polling booths in Pannalagama in Ampara District, injuring five people. The LTTE is blamed for these attacks.

Party Reactions

¶9. (U) The GSL is casting its win as a multi-ethnic mandate for the continuation of its policies in the East and its war against the LTTE in the North. Senior Presidential Advisor Basil Rajapaksa, who oversaw the elections process, said, "The Sinhala, Tamil and Muslim voters rallied round the UPFA...it is a clear victory for the government. The government is determined to devolve maximum power to the Eastern Province and develop it as a model province that displays how democracy, peace and ethnic harmony could bring speedy development to a province."

¶10. (U) More broadly, pro-UPFA press and party organizers reportedly interpret the Eastern polls in the context of the 2005 presidential election results. In 2005, now-President Rajapaksa gained 44 percent of the Eastern Province vote, while Ranil Wickremesinghe won 54 percent. The provincial poll results show the inverse, with the UPFA gaining 51 percent and the UNP dropping to 42 percent. UPFA supporters

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attribute this reversal to the TMVP delivering the Tamil vote to the UPFA in the provincial elections, while the Tamil vote went to the UNP in the 2005 presidential polls. A second factor in the UPFA win on May 10 was UNP strongman, former Minister P. Dayaratne, who has dominated Ampara politics for more than 25 years. Dayaratne crossed over to the UPFA to contest the polls, and brought a sizable personal vote bloc.

¶11. (U) The UNP position is that the UPFA's gross misuse of state resources robbed the opposition of victory. SLMC leader Rauff Hakeem said that the UNP-SLMC alliance would "prove how the government along with (TMVP leader and Chief Candidate) Pillaiyan racked up election laws and deprived UNP-SLMC alliance of its victory." The JVP has also decried election malpractices by the government.

Tussle for Chief Minister Post

¶12. (C) The contest for the Chief Minister post appears to be between TMVP leader Pillaiyan and UPFA Muslim leader M.L.A.M. Hisbullah. Pillaiyan is seen to have delivered the crucial Tamil vote to the UPFA, while Hisbullah commands a significant following in Batticaloa and presumably would be the Muslim and Sinhala choice. The UPFA leadership had earlier announced that the Chief Minister post would go to the person who commands the most support among government provincial councilors. By that measure, Hisbullah holds the advantage among the eight Muslims, six Tamils, and four Sinhalese reportedly elected to the council from the UPFA list. (The preferential poll results are not yet official.) However, the government has not yet named members for the two bonus seats it won in Ampara District. On the other hand, according to media reports, Pillaiyan has secured the largest number of preferential votes, ahead of Hisbullah, giving him a claim to the post. (Note: On the ballot, voters first vote for a political party, then cast their "preferential vote" for individual candidates.) Emboff contacts say that Sinhala groups within the UPFA are advocating for a Sinhala CM as a "compromise" CM who will have greater acceptance nationally. If the government abides by its earlier pledge, the Chief Ministership would likely go to Hisbullah. The UPFA is expected to meet to choose its nominee for the Chief Minister post on May 12.

¶13. (U) Suggested Press Guidance on Elections in the East:
The elections in the East mark another step in the Government's efforts to stabilize Eastern Sri Lanka, after it expelled the LTTE from the region in July 2007. The U.S. did not send observers to monitor the election. However, we are concerned by numerous reports of independent observers and opposition parties of irregularities during the campaign and the voting on election day. We urge that those allegations be treated seriously and investigated to ensure that the outcome has the support of the people of the East.

¶14. (C) COMMENT: While we are not in a position to judge the conduct of the elections, it is probable that the reported malpractices contributed to the UPFA's win. Nevertheless, the public in the East does not appear to be rejecting the election results, and probably accepts this level of malpractice as fairly normal. Because both Muslim and Tamil communities have sought to place one of their own in the Chief Minister post, a CM from either community will likely exacerbate feelings of disempowerment in the community that does not gain the post. We will be watching the UPFA choice of Chief Minister closely in the coming days, as the Tamil and Muslim minority communities may resort to violence if the Chief Minister does not come from their own community.
BLAKE